UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,
<u>Plaintiff-Appellee,</u>

v.   No. 99-4195

MARK JAY ALLEN,
<u>Defendant-Appellant.</u>

Appeal from the United States District Court
for the District of South Carolina, at Anderson.
G. Ross Anderson, Jr., District Judge.
(CR-98-486)

Submitted: June 29, 1999

Decided: August 2, 1999

Before MURNAGHAN, ERVIN, and WILKINS, Circuit Judges.

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Vacated and remanded by unpublished per curiam opinion.

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COUNSEL

Benjamin Thomas Stepp, Assistant Federal Public Defender, Green-
ville, South Carolina, for Appellant. Harold Watson Gowdy, III,
OFFICE OF THE UNITED STATES ATTORNEY, Greenville,
South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See
Local Rule 36(c).

OPINION

PER CURIAM:

Following a jury trial, Mark J. Allen was convicted on one count of escape from prison (18 U.S.C. § 751(a) (1994)), and one count of car jacking (18 U.S.C.A. § 2119 (West Supp. 1999)). The district court sentenced Allen to twenty-seven months in prison on the escape count, to be served concurrently with the 300-month term imposed on the car jacking count. Allen timely appealed. While the appeal was pending, the Supreme Court of the United States issued its decision in Jones v. United States, ___ U.S. ___, 67 U.S.L.W. 4204 (U.S. Mar. 24, 1999) (No. 97-6203), holding that the car jacking statute, 21 U.S.C.A. § 2119, establishes three different offenses with distinct elements, "each of which must be charged by indictment, proven beyond a reasonable doubt, and submitted to a jury for its verdict." ___ U.S. at ___, 67 U.S.L.W. at 4211. The Government filed an unopposed motion to remand the case for resentencing in light of Jones. We grant the motion, vacate Allen's sentence, and remand for resentencing in light of Jones. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

VACATED AND REMANDED